

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD, INC.,
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION

Case No. 2:18-md-2846

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to:
Briceno v. CR Bard et al.,
Case No. 2:20-cv-2595

OPINION AND ORDER

On May 22, 2020, Plaintiff Alisa Briceno filed a complaint in this multidistrict litigation (“MDL”). (ECF No. 1.) On November 4, 2020, Plaintiff filed a Notice of Suggestion of Death. (ECF No. 3.) When a party dies, Federal Rule of Civil Procedure 25(a)(1) permits a motion for substitution by “any party or the decedent’s successor or representative. If the motion for substitution is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. Proc. 25(a)(1). No Motion to Substitute has been filed. On April 9, 2021, Defendants filed a Motion to Dismiss based on the failure to file a Motion to Substitute. Plaintiff did not file a response in opposition to the Motion, therefore the Court will treat the Motion as unopposed. *See* Local Civil Rule 7.2 (“Any memorandum in opposition shall be filed within twenty-one days after the date of the service of the motion.”). Accordingly, Defendants’ Motion to Dismiss is **GRANTED** and Plaintiff’s case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

2/11/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE